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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,959

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Warren Godfrey Day

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04/28/2009

Saul Ewing LLP (Philadelphia)

Attn: Patent Docket Clerk

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EXAMINER

DONADO, FRANK E

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,959	<b>Applicant(s)</b> DAY, WARREN GODFREY	
	<b>Examiner</b> FRANK DONADO	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/22/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2617

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 2/02/09 has been entered. Claims 1 and 13 have been amended. No claims have been cancelled. No claims have been added. Claims 1-13 are currently pending in this application, with claims 1 and 13 being independent.

### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Awada, et al (**US Patent No. 6,831,970**). From now on, Awada, et al, will be referred to as Awada.

Regarding claim 1, Awada teaches a method of enabling a wireless information

Art Unit: 2617

device to automatically modify its behavior, comprising the steps of: (a) an end-user entering time sensitive information into a first application running on the device (**A user of a mobile device enters a time for said mobile device to behave a certain way through a user interface and a calendar application on said mobile device, Column 4, lines 24-27, Column 5, lines 25-27, Column 6, lines 54-57 and 66-67 and Column 7, lines 1-4**); (b) a second application running on the device receiving data from the first application, the data relating to the time sensitive information (**A profile application on said mobile device corresponds to said calendar application on said mobile device, Column 4, lines 11-14 and Column 6, lines 19-20 and 27-30**), and the second application then automatically changing the behavior of the device appropriately in dependence on the data and not in dependence on automatically acquired context information (**Said profile application changes the behavior of said mobile device, where, as is stated above, the data is dependent on user-entered calendar information through said user interface and not context information (location, etc.), Column 4, lines 11-14**); in which the first application sends the data indirectly to the second application via an intermediary server (**Said calendar application is contained within a remote profile activator 110, where said remote profile activator resides on a server, said remote profile activator receives a calendar information from said mobile device through said user interface of said mobile device in an indirect manner by acting as an intermediary of calendar application data, and said remote profile activator subsequently activates said profile on said mobile device, Column 5, lines 8-11,**

Art Unit: 2617

**14-16 and 60-65, Column 4, lines 60-66, Column 6, lines 33-42 and 51-60 and 66-67 and Column 7, lines 1-4).**

Regarding claim 2, Awada teaches the method of claim 1 in which the first application is a calendar or agenda application and the time sensitive information is an entry into the calendar or agenda application **(Said first application is said calendar application, Column 4, lines 24-27).**

Regarding claim 3, Awada teaches the method of claim 2 in which the end-user selects from a menu list a label to apply to the entry, the label defining the type of behavior change to be carried out by the second application **(Said user selects, through said user interface and from a menu, the desired profile and the type of behavior to apply, Column 6, lines 47-50 and Column 4, lines 11-16).**

Regarding claim 5, Awada teaches the method of claim 1 in which the second application is a telephone application that enables telephone functions of the device to be controlled **(Said profile application on said mobile device corresponds to said calendar application on said mobile device, Column 4, lines 11-14 and Column 6, lines 19-20 and 27-30).**

Regarding claim 6, Awada teaches the method of claim 1 in which the step of changing the behavior is one of the following: (a) altering a telephone profile (b)

Art Unit: 2617

altering the device ring tone (c) altering the device user interface (d) switching off telephone functionality (e) switching off the device entirely (f) switching the device to a power save mode (g) switching off one or more items of communications hardware **(Said profile is updated based on said user entry, Column 6, lines 66-67 and Column 7, lines 1-4).**

Regarding claim 12, Awada teaches the method of claim 1 in which the second application automatically changes the behavior of the device appropriately in dependence on the data from the first application for a time period determined by that data **(Said profile application changes the behavior of said mobile device, where, as is stated above, the data is dependent on user-entered calendar information through said user interface, and calendar information determines the duration of said behavior of mobile device (during a meeting, etc.), Column 4, lines 11-14 and 18-20).**

Regarding claim 13, Awada teaches a wireless information device programmed to automatically modify its behavior, the device enabling: (a) an end-user to enter time sensitive information into a first application running on the device **(A user of a mobile device enters a time for said mobile device to behave a certain way through a user interface and a calendar application on said mobile device, Column 4, lines 24-27, Column 5, lines 25-27, Column 6, lines 54-57 and 66-67 and Column 7, lines 1-4);** (b) a second application running on the device to receive data from the first

Art Unit: 2617

application, the data relating to the time sensitive information (**A profile application on said mobile device corresponds to said calendar application on said mobile device, Column 4, lines 11-14 and Column 6, lines 19-20 and 27-30**), and the second application then automatically changing the behavior of the device appropriately in dependence on the data and not in dependence on automatically acquired context information (**Said profile application changes the behavior of said mobile device, where, as is stated above, the data is dependent on user-entered calendar information through said user interface and not context information (location, etc.), Column 4, lines 11-14**); in which the first application sends the data indirectly to the second application via an intermediary server (**Said calendar application is contained within a remote profile activator 110, where said remote profile activator resides on a server, said remote profile activator receives a calendar information from said mobile device through said user interface of said mobile device in an indirect manner by acting as an intermediary of calendar application data, and said remote profile activator subsequently activates said profile on said mobile device, Column 5, lines 8-11, 14-16 and 60-65, Column 4, lines 60-66, Column 6, lines 33-42 and 51-60 and 66-67 and Column 7, lines 1-4**).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2617

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awada, in view of Lazaridis, et al (**US PG Publication 2008/0261633**).

Regarding claim 4, Awada teaches the method of claim 1. Awada does not teach the first application is an alarm application and the time sensitive information is defining an alarm time. Lazaridis teaches the first application is an alarm application and the time sensitive information is defining an alarm time (**A user controls which features will be activated on their wireless device through a calendar application that works in conjunction with a profile and modifies the behavior of said wireless device, where behavior includes activating an alarm at a specified time, Paragraph 11, lines 1-10, Paragraph 13, lines 1-17 and Paragraph 41, lines 1-8**). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Awada to include this alarm for the benefit of added security.

7. Claims 7-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Awada, in view of Bosik, et al (**US PG Publication 2004/0086094**). From now on, Bosik, et al, will be referred to as Bosik.



Art Unit: 2617

Regarding claim 7, Awada teaches the method of claim 1. Awada does not teach if a conflict arises between the behavior change due to the data from the first application and a different behavior change input directly to the first or the second application, then the different behavior change prevails. Bosik teaches if a conflict arises between the behavior change due to the data from the first application and a different behavior change input directly to the first or the second application, then the different behavior change prevails **(A user of a wireless telephone uses a calendar software that activates a notification service based on the profile set up by said user, where said user updates their profile along with the type of behavior to be exhibited by said wireless telephone, and one type of behavior will take precedence over another if user gives priority to said one type of behavior, Paragraph 7, lines 1-3 and 9-12, Paragraph 32, lines 1-3 and Paragraph 35 and Figure 5)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Awada to include this feature regarding profiles for the benefit of added security.

Regarding claim 8, Awada teaches the method of claim 1. Awada does not teach if a conflict arises between the behavior change due to the data from the first application and a different behavior change input directly to the first or the second application, then a conflict resolution component determines which behavior change prevails. Bosik teaches if a conflict arises between the behavior change due to the data from the first application and a different behavior change input directly to the first or the second application, then a conflict resolution component determines which behavior change prevails **(A Notification and Management System (NMS) analyzes**

Art Unit: 2617

**a user profile to decide the type of behavior to be exhibited by said wireless telephone, including priority, Paragraph 7, lines 6-12 and Paragraph 44).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Awada to include this feature regarding profiles for the benefit of added security.

Regarding claim 9, Awada teaches the method of claim 1. Awada does not teach an override component determines if a behavior change due to the data from the first application is inappropriate and then overrides that behavior change. Bosik teaches an override component determines if a behavior change due to the data from the first application is inappropriate and then overrides that behavior change **(Said priority is altered when said user is in an area of their home, where a home security system is included in an Event Detection System (EDS) that reports appropriate events to said NMS that analyzes user profiles to decide the type of behavior to be exhibited by said wireless telephone, including priority, Paragraphs 22, 27 and 44).**

Regarding claim 10, Awada, in view of Bosik, teaches the method of claim 8. Bosik further teaches the conflict resolution component is the server **(Said NMS works as a server and stores the application used to decide the type of behavior to be exhibited by said wireless telephone, including priority, Paragraph 7, lines 6-12 and Paragraph 44).**

Art Unit: 2617

Regarding claim 11, Awada, in view of Bosik, teaches the method of claim 9. Bosik further teaches the override component is the server **(Said NMS works as a server and stores the application used to decide the type of behavior to be exhibited by said wireless telephone, including priority, Paragraph 7, lines 6-12 and Paragraph 44).**

### *Response to Arguments*

8. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the

Art Unit: 2617

examiner should be directed to FRANK DONADO whose telephone number is (571) 270-5361.

The examiner can normally be reached Monday-Friday, 9:30 am-6 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6361.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-273-8300.

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Art Unit 2617

/Rafael Pérez-Gutiérrez/  
Supervisory Patent Examiner, Art Unit 2617